

It is apparent that some growth of the federal court system should occur over time due to increases in population. But what also has grown substantially is the scope of federal jurisdiction. Federalization of the states criminal codes is something that politicians, especially here at the federal level, cannot seem to help but engage in from time to time. It has been over time, in response to criminal concerns nationwide, that Congress has again and again federalized crimes in the name of fighting crime and protecting the nation's populace. But, is the federalization of crime really an antidote for our nation's crime problems? Is it really proper to federalize crime so politicians can "prove" their effectiveness? These are important questions that must be asked. We all must look in the mirror and ask ourselves whether there is a sound justification for having two parallel justice systems.

Americans should not be subject to different, competing law enforcement systems, different penalties depending on which system brings them to trial, and an ever-lengthening possibility that they might be tried for the same offense more than once.

In 1999, the Senate Government Affairs Committee held hearings on the issue of "controlling the federalization of crimes that are better left to state laws and courts to handle." The hearings were held in part as a response to questions raised by Supreme Court Chief Justice William Rehnquist regarding the federalization of criminal law. The hearings also focused on the American Bar Association's Task Force on the same issue. The Task Force, which was chaired by former Attorney General Edwin Meese, concluded that in order to maintain balance in our Constitutional system of justice, there must be a "principled recognition by Congress for the long-range damage to real crime control and to the nation's structure caused by inappropriate federalization."

Some might suggest that this is a Republican's attempt to weaken the laws of the land. My reply is simply that federalization of crime does not make anyone safer. Simply adding more laws to the federal code will not necessarily help the citizenry. On the contrary, it could end up hurting those we want to help.

Consider that increased federalization has caused a significant case backlog in our federal courts. Those people with cases pending in the federal system for things other than criminal purposes are impacted. Their rights to due process for fair hearings on their issues are delayed. The rights of those who are criminal victims are often delayed, too, due to the length of time it takes at the federal level to hear a criminal case. The backlogs are real. The delays are frustrating. Justice is not being served.

Some might say, simply, let's add more money so we can get these cases to trial. Again, my response to that is: why should we have two entirely parallel systems of justice in our country? Money is not the answer. Better utilization of our constitutional system of federalism and separation of powers is a good place to begin.

Let the states work their will. The Federal Government doesn't always have the best answers. We effectively have 50 different constitutional republics that can and do serve as policy laboratories. The electorate in these

states are the very same people that elect us all to Congress. They can take control of what is happening in their states and compare outcomes with 49 other state jurisdictions (not to mention the District of Columbia and the territories). With a federal system, will we ultimately move to a single federal criminal code? It would appear that way. It may not happen this year, this decade or even this century. However, over the course of time, the trend indeed is moving that way.

This bill is a common sense approach to checking the Congress' penchant for federalizing crimes. It sets guidelines for Congress, which will certainly debate crime again in the legislative branch. The standards state that no federal criminal legislation shall be enacted unless and until certain criteria are met: the legislation must center on the core functions discussed earlier; the States must be inadequately addressing the perceived need; the Federal Judiciary is able to meet the needs without restructuring and without affecting efficiency; and, the bill includes a federal law enforcement impact statement. We pass bills all the time to address certain needs. Let's put the rhetoric to a test.

The bill also sets up a Commission to Review the Federal Criminal Code. This commission will review, ascertain, evaluate, report, and recommend action to the Congress on the following matters: the Federal criminal code (Title 18) and any other federal crimes as to compliance with the standards in this Act; recommend changes, either through amendment or repeal, to the President and Congress where appropriate to the offenses set forth in said criminal code (Title 18) or otherwise; and such other related matters as the Commission deems appropriate.

Also, for each piece of legislation passed out of congressional committees of jurisdiction that modify or add to federal criminal code, the commission must submit a report to Congress. This report will be called a Federal Crimes Impact Statement that shall be included in the reports filed prior to consideration by the House and Senate.

The membership of the commission is important to consider. The bill calls for 5 appointed members—1 each from both sides of the aisle in the House and Senate, and one appointed by the Chief Justice of the United States, who shall chair the Commission. This will bring a new, and much needed, dimension to the debate. Under the bill, the commission would be charged with obtaining official data directly from any department or agency of the United States necessary for it to carry out this section—unless doing so would threaten the national security, the health or safety of any individual, or the integrity of an ongoing investigation.

Finally, the bill would subject certain legislation to a point of order—if it has not met the conditions set out in the legislation. This would provide additional time for Congress to debate the merits of legislation being considered.

In effect, this bill is about considerate and appropriate debate for federalizing crime. It will help educate Congress to make more informed decisions that impact the daily lives of all of our constituents. It will help take some of the politics out of the important issues that we face with regard to protecting people from crime.

Mr. Speaker, we need to act. The Judiciary has made subtle and not so subtle pleas for Congress to refrain from and restrain its penchant to federalize the criminal code. For example, last year in a decision concerning the Violence Against Women Act, the Chief Justice writes,

[t]he Constitution requires a distinction between what is truly national and what is truly local, and there is no better example of the police power, which the Founders undeniably left reposed in the States and denied the central government, than the suppression of violent crime and vindication of its victims. Congress therefore may not regulate noneconomic, violent criminal conduct based solely on the conducts' aggregate effect on interstate commerce. [*U.S. v. Morrison et al. decided May 15, 2000 (Syllabus)*]

Clearly, there is a message in those words about the federalization of crime. It is time that Congress heeds it.

I look forward to working with my colleagues to move this important legislation.

TRIBUTE TO PFC BAMBI D.
CHASTAIN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. McINNIS. Mr. Speaker, I stand before you today to ask Congress to join me in honoring the memory of one of our young soldiers. On May 15, 2001, PFC Bambi D. Chastain passed away at the age of 21. Bambi was an exemplary soldier and a wonderful daughter, sister and friend. She worked hard at her job and took great pride in being a soldier. Although her family and friends will miss her, her memory will live on in those who loved her. Bambi died while on duty in the field training. To her, duty came first.

Bambi was born August 22, 1980 in San Diego, California. She attended Central High School, where she graduated in 1999. In August of that same year she joined the United States Army. She attended the Advanced Individual Training at Fort Sam Houston, Texas. After she finished AIT, Bambi was assigned to Charlie Company, 15th Forward Support Battalion, First Cavalry Division, Fort Hood, Texas. In March of 2000 she began training for a rotation at the National Training Center as part of the Quick Reaction Force. During her time with AIT she was awarded the MOS 91B10 Combat Medic and was posthumously awarded the Good Conduct Medal and the Army Commendation Medal.

Bambi moved to Grand Junction to live with Dave and Verna Murphy, which would become her new family. Recently she visited a group of foster kids in California, to offer hope and to let them know if you join the Army you get a whole new family to love and care for you.

Mr. Speaker, PFC Bambi Chastain displayed great professionalism and selfless service while serving her country. She put herself second chair to her duty. She is a role model for everyone that knew her. For that Mr. Speaker, she deserves and has earned the thanks and praise of Congress.

A TRIBUTE TO JOHN THOMAS
THORNTON, JR.

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. BISHOP. Mr. Speaker, last July I had an opportunity to participate in a day of celebration and remembrance of the great contribution to agriculture and the economy in general made by the late John Thomas Thornton, Jr., of the community of Parrott, Georgia. If you are not familiar with the name, you are not alone. Even in the area of southwest Georgia where he lived and farmed most of his life, many people are not fully aware of his contribution, which impacts our lives even today.

J.T. Thornton invented the peanut shaker, a harvesting device that came into common use in the 1940's. His invention revolutionized the peanut industry. By making the harvesting process faster and more efficient, the peanut shaker contributed greatly to the economic growth of our area of Georgia and, in fact, to the country at large.

Mr. Thornton spent some 40 years developing and perfecting his invention. It was a magnificent achievement. The history of this achievement was beautifully presented in an essay written by a student from Parrott, Bonnie West, who won high honors when she entered the paper in the National History Day competition. Her accomplishment helped revive community interest in Mr. Thornton's invention, which he called the "Victory Peanut Harvester."

The people of Parrott, including members of the Thornton family, are establishing a museum on the invention of the peanut shaker, and sponsored the day of celebration that included a parade and a number of other events. It was an exciting and enjoyable day, and it helped bring wider recognition of what this native southwest Georgian achieved.

Although farmers did not have any more spare time back then than they do today, J.T. Thornton somehow found the time to apply his practical knowledge of farming, and his extraordinary grasp of engineering and mechanics, to overcome all of the difficulties he must have encountered until he produced something that raised the quality of life for countless Americans. This is a story we are proud of in southwest Georgia, and that can inspire other Americans, especially our young people. Mr. Speaker, it is, therefore, a story I want to share with our colleagues in Congress.

IN MEMORY OF DENIS NICKEL

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize the achievements of Denis Gene Nickel, a man who led a life that we can all admire and emulate. Denis devoted his life to improving the world we live in, and he realized incredible success in his efforts to save our nation's natural resources for future generations. He has left us with a legacy that demonstrates the power of partnerships and stewardship of our natural resources.

Denis gave thirty-four years of dedicated service to the Natural Resource Conservation Service. As an Area Conservationist in Santa Rosa, Denis worked extensively in the North Coast counties that I represent. His leadership in forming a coalition of local, private, state and federal agencies to manage the Mendocino County Tomki Watershed was invaluable in garnering support for such an incredibly important project in the 1st District of California.

In addition, Denis provided tremendous assistance and guidance to those involved in the viticulture industry in Napa and Sonoma counties. He was a pioneer in promoting local stewardship in the development of hillside erosion control methods—these methods are the bedrock of the methods currently used by vinticulturists around the nation. The personal integrity that Denis showed in his daily work facilitated building a durable consensus of stakeholders in our nation's natural resources.

Denis was the consummate family man who enjoyed spending his time with a large extended family. He was married to his high school sweetheart, Sandi, for thirty-five years, and he was immensely proud of his three children, Wendy, Warren, and Amy.

His smile and good-natured sense of humor that his family and friends knew so well helped him to establish trusted relationships while working towards the admirable goal of sustaining America's vital resources. Denis worked not only for the benefit of the people of my district, but he has also been recognized across the country for his tremendous contributions, including his term as State Conservationist for the Natural Resources Conservation Service in Rhode Island.

Mr. Speaker, thank you for the opportunity to honor the many invaluable contributions Denis Nickel made to my district and the entire nation. We would be fortunate to have more people of Denis's integrity working towards sustaining our natural resources for future generations.

LEGISLATION TO IMPROVE TRADE
RELATIONS IN THE AUTOMOTIVE
SECTOR BETWEEN KOREA AND
THE U.S.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. KILDEE. Mr. Speaker, as co-chair of the House Auto Caucus with Congressman FRED UPTON, I am introducing on our behalf a concurrent resolution to express this Congress' support for improved trade relations in the automotive sector between Korea and the United States. A companion concurrent resolution is being introduced by the Senate Auto Caucus co-chairs, Senator CARL LEVIN and Senator GEORGE VOINOVICH.

For too long, Korea has kept its market closed to United States automobiles and auto parts. This must change.

Up until 1990, Korea maintained a completely closed market, and it was not until 1999, in the midst of economic crisis, that it opened its market to all manufacturers. However, it has made every effort to continue to restrict foreign motor vehicles. This is best exemplified by the facts. In the year 2000, a total

of 1,057,620 motor vehicles were sold in the Republic of Korea, but only 4414 were imported and only 1268 were made in the United States. As a result, American motor vehicles represented a pathetic 0.12 percent of all motor vehicle sales in Korea.

Anticompetitive activities in Korea must stop. Threats of income tax audits on Koreans who purchase foreign automobiles must cease. Underhanded trade barriers must be lowered. Passage of this concurrent resolution will send a clear message to Korea that things must change.

I encourage all of my colleagues to support this effort to ensure fair trade and an open market for American motor vehicles in Korea. I look forward to working with colleagues to ensure its passage.

PERSONAL EXPLANATION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. LARSON of Connecticut. Mr. Speaker, for Roll Call Vote No. 145, on final passage of H.R. 1, I was present in the Chamber and engaged in the debate on this bill as indicated by my previous vote on the Motion to Recommit (Roll Call Vote No. 144) and subsequent vote on the Motion to Instruct Conferees on H.R. 1836. Although I intended to vote "aye" on final passage of this bill, my vote was not registered. I ask unanimous consent that this statement appear immediately after Roll Call Vote No. 145 in the permanent CONGRESSIONAL RECORD.

A TRIBUTE TO MR. JEFFERSON
STEPHENS, JR.

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. SCHIFF. Mr. Speaker, I rise today to honor Mr. Jefferson Stephens, Jr., who is retiring after more than twenty years as Headmaster of the Chandler School in Pasadena, California. On June 16th, the school will celebrate Mr. Stephens' career and the impact he has had on the lives of so many.

The Chandler School was founded with a vision to provide young students with innovative, inspired academic programs taught by caring, dedicated faculty and staff. Under Mr. Stephens' guidance, the Chandler School treats each child as an individual and strives to create an environment in which children develop self-esteem and self-discipline, as well as respect for their fellow students. As headmaster, Mr. Stephens, has expected high standards of behavior, courtesy, and academic performance from each child who has come to his school, and has fostered a scholastic atmosphere that encourages curiosity and creativity.

In addition to serving the academic community, Mr. Stephens has served as an associate pastor for the St. George's Episcopal Church. He has also participated in a wide range of civic duties, by assisting as a member of the Tournament of Roses Association and serving on the board of directors for a community housing project.